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PATENT  
Attorney Docket No. 15431US02

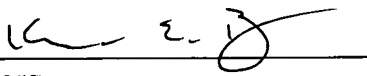
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



the Application of: )  
)  
Patrick C. Lilley et al )  
)  
Serial No.: 10/788,768 )  
)  
Filed: February 27, 2004 )  
)  
For: MOBILE HANDSET NETWORK )  
THAT FACILITATES )  
INTERACTION BETWEEN A )  
GENERIC INTELLIGENT )  
RESPONSIVE AGENT AND A )  
SERVICE BROKER SERVER )  
)  
Examiner: unassigned )  
)  
Group Art Unit: 2122  
Confirmation No.: 8473

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is  
being deposited with the United States  
Postal Service as first-class mail, postage  
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Stop Amendment, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on August 24, 2005.

  
Kevin E. Borg  
Reg. No. 51,486

TRANSMITTAL OF  
INFORMATION DISCLOSURE STATEMENT  
AFTER APPLICATION FILING DATE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**ENCLOSURES**

Enclosed are the following:

\* A completed PTO form 1449.

- \* The enclosed PTO form 1449 lists 52 references not previously provided to or by the PTO in this application. Copies of four foreign references and copies of five Other Art (published Articles) listed thereon are enclosed herewith.

## **FEE DETERMINATION**

- \* No fee is believed to be due because:
- \* The Applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

## **FEE PAYMENT**

The following arrangements have been made to pay the fees calculated above:

- \* No fee is believed to be due.

However, the Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

## **REMARKS**

The Applicants neither agree nor disagree with the following notations that accompanied the references listed below in a prior art search performed by Augustine Associates, Ltd., 2981 Fox Tail Court, Woodbridge, VA 22192, dated April 22, 2003:

|              |  |
|--------------|--|
| 2003/0061384 | "para (0015)"  |
| 2003/0037075 | "para (0166)"  |
| 2003/0033599 | "wireless software download, see (0039)"   |
| 2002/0157090 | "update software, Claim 17"  |
| 2002/0152005 | "wireless link upgrade"  |
| 2002/0131404 | "can be used with games (0004)"  |
| 2002/0116261 | "update software (0058)"   |
| 2001/0029178 | "Claim 1, upgrade"   |
| 6,438,585    | "mobile link"  |
| 6,279,153    | "ROM update on wireless link abstract<br>(170 page patent – front page and claims only provided here)" |
| 6,198,946    | "wireless upgrade"   |

|           |  |
|-----------|--|
| 6,163,274 | "real-time update"   |
| 6,126,327 | "flash update<br>(265 page patent – front page and claims only provided here)" |
| 5,790,974 | "'perceptual' software agent that updates stored entries"                      |
| 5,261,055 | "wireless upgrade"   |
| 5,598,534 | "PDA link system"  |
| 5,666,293 | "loaded into non-volatile[sic] memory. Claims 2 and 3, game system"            |

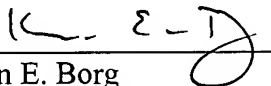
## REQUEST FOR CONSIDERATION

This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102. Applicants expressly retain the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial a copy of the enclosed PTO-1449 and return to the Applicants to indicate consideration of the enclosed references.

Dated: August 24, 2005 Respectfully submitted,

  
 Kevin E. Borg  
 Reg. No. 51,486  
 Agent for Applicants

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|---|---|----|--|--|--|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |    | <b>Complete if Known</b>   |  |  |
|   |   |    | Application Number<br>Filing Date<br>First Named Inventor<br>Group Art Unit<br>Examiner Name<br>Attorney Docket Number | 10/788,768<br>2-27-2004<br>Lilley et al<br>2122<br>Not yet assigned<br>15431US02 |  |
| Sheet   | 1 | of | 3  |  |  |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initial*     | Cite No. <sup>1</sup> | Document Number                             | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                       | Number-Kind Code <sup>2</sup><br>(if known) |                                |  |   |
|                       | A1                    | US-5,261,055 A                              | 11/09/1993                     | Moran et al.                                       |   |
|                       | A2                    | US-5,442,771 A                              | 08/15/1995                     | Filepp et al.                                      |   |
|                       | A3                    | US-5,479,637 A                              | 12/26/1995                     | Lisimaque et al.                                   |   |
|                       | A4                    | US-5,579,522 A                              | 11/26/1996                     | Christeson et al.                                  |   |
|                       | A5                    | US-5,596,738 A                              | 01/21/1997                     | Pope   |   |
|                       | A6                    | US-5,598,534 A                              | 01/28/1997                     | Haas   |   |
|                       | A7                    | US-5,608,910 A                              | 03/04/1997                     | Shimakura  |   |
|                       | A8                    | US-5,623,604 A                              | 04/22/1997                     | Russell et al.                                     |   |
|                       | A9                    | US-5,666,293 A                              | 09/09/1997                     | Metz et al.  |   |
|                       | A10                   | US-5,752,039 A                              | 05/12/1998                     | Tanimura   |   |
|                       | A11                   | US-5,778,440 A                              | 07/07/1998                     | Yiu et al.   |   |
|                       | A12                   | US-5,790,974 A                              | 08/04/1998                     | Tognazzini   |   |
|                       | A13                   | US-5,878,256 A                              | 03/02/1999                     | Bealkowski et al.                                  |   |
|                       | A14                   | US-5,960,445 A                              | 09/28/1999                     | Tamori et al.                                      |   |
|                       | A15                   | US-6,009,497 A                              | 12/28/1999                     | Wells et al.                                       |   |
|                       | A16                   | US-6,038,636 A                              | 03/14/2000                     | Brown, III et al.                                  |   |
|                       | A17                   | US-6,064,814 A                              | 05/16/2000                     | Capriles et al.                                    |   |
|                       | A18                   | US-6,073,206 A                              | 06/06/2000                     | Piwonka et al.                                     |   |
|                       | A19                   | US-6,073,214 A                              | 06/06/2000                     | Fawcett  |   |
|                       | A20                   | US-6,088,759 A                              | 07/11/2000                     | Hasbun et al.                                      |   |
|                       | A21                   | US-6,105,063 A                              | 08/15/2000                     | Hayes, Jr.   |   |
|                       | A22                   | US-6,112,024 A                              | 08/29/2000                     | Almond et al.                                      |   |
|                       | A23                   | US-6,112,197 A                              | 08/29/2000                     | Chatterjee et al.                                  |   |
|                       | A24                   | US-6,126,327 A                              | 10/03/2000                     | Bi et al.  |   |
|                       | A25                   | US-6,128,695 A                              | 10/03/2000                     | Estakhri et al.                                    |   |
|                       | A26                   | US-6,157,559 A                              | 12/05/2000                     | Yoo  |   |
|                       | A27                   | US-6,163,274 A                              | 12/19/2000                     | Lindgren   |   |
|                       | A28                   | US-6,198,946 A                              | 03/06/2001                     | Shin et al.  |   |
|                       | A29                   | US-6,279,153 A                              | 08/21/2001                     | Bi et al.  |   |
|                       | A30                   | US-6,311,322 A                              | 10/30/2001                     | Ikeda et al.                                       |   |
|                       | A31                   | US-6,438,585 A                              | 08/20/2002                     | Mousseau et al.                                    |   |
|                       | A32                   | US-2001/0029178 A1                          | 10/11/2001                     | Criss et al.                                       |   |

|                       |                 |
|-----------------------|-----------------|
| EXAMINER<br>SIGNATURE | DATE CONSIDERED |
|-----------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |  | <b>Complete if Known</b> |                  |  |
|   |   |  | Application Number       | 10/788,768       |  |
|   |   |  | Filing Date              | 2-27-2004        |  |
|   |   |  | First Named Inventor     | Lilley et al     |  |
|   |   |  | Group Art Unit           | 2122             |  |
|   |   |  | Examiner Name            | Not yet assigned |  |
|   |   |  | Attorney Docket Number   | 15431US02        |  |
| Sheet   | 2 |  | 3                        |                  |  |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initial*     | Cite No. <sup>1</sup> | Document Number                             | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                       | Number-Kind Code <sup>2</sup><br>(if known) |                                |  |   |
|                       | A33                   | US-2001/0047363 A1                          | 11/29/2001                     | Peng   |   |
|                       | A34                   | US-2001/0048728 A1                          | 12/06/2001                     | Peng   |   |
|                       | A35                   | US-2002/0078209 A1                          | 06/20/2002                     | Peng   |   |
|                       | A36                   | US-2002/0116261 A1                          | 08/22/2002                     | Moskowitz et al.                                   |   |
|                       | A37                   | US-2002/0131404 A1                          | 09/19/2002                     | Mehta et al.                                       |   |
|                       | A38                   | US-2002/0152005 A1                          | 10/17/2002                     | Bagnordi   |   |
|                       | A39                   | US-2002/0156863 A1                          | 10/24/2002                     | Peng   |   |
|                       | A40                   | US-2002/0157090 A1                          | 10/24/2002                     | Anton, Jr.   |   |
|                       | A41                   | US-2003/0033599 A1                          | 02/13/2003                     | Rajaram et al.                                     |   |
|                       | A42                   | US-2003/0037075 A1                          | 02/20/2003                     | Hannigan et al.                                    |   |
|                       | A43                   | US-2003/0061384 A1                          | 08/27/2003                     | Nakatani   |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |   |                |
|--------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |                |
|                          | A44                   | JP-8202626 A  | 08/09/1996                     | Isuzu Motors Ltd.                                  |   |                |
|                          | A45                   | CA-2,339,923 A  | 03/02/2000                     | Emony Ltd.   |   |                |
|                          | A46                   | KR-2002-0034228 A1  | 05/09/2000                     | LG Electronics                                     |   |                |
|                          | A47                   | KR-2001-0100328 A1  | 11/14/2001                     | Intercube Co., Ltd.                                |   |                |

| OTHER ART -- NON PATENT LITERATURE DOCUMENTS |                       |  |
|--|-----------------------|--|
| Examiner Initials*                           | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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| Sheet   | 3         |                          | 3                |

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|  | A48                   | "Focus on OpenView A guide to Hewlett-Packard's Network and Systems Management Platform", Nathan J. Muller, pages 1-291, CBM Books, published 1995.  |
|  | A49                   | "Client Server computing in mobile environments", J. Jing et al, ACM Computing Surveys, Vol. 31, Issue 2, pages 117-159, ACM Press, July, 1999.  |
|  | A50                   | "ESW4: enhanced scheme for WWW computing in wireless communication environments", S. Hadjiefthymiades, et al, ACM SIGCOMM Computer Communication Review, Vol. 29, Issue 5, pages 24-35, ACM Press, October, 1999.  |
|  | A51                   | "Introducing quality-of-service and traffic classes in wireless mobile networks", J. Sevanto, et al, Proceedings of the 1 <sup>st</sup> ACM international workshop on Wireless mobile multimedia, pages 21-29, ACM Press, 1998.                                |
|  | A52                   | "Any Network, Any Terminal, Anywhere", A. Fasbender et al, IEEE Personal Communications, April 1999, pages 22-30, IEEE Press, 1999.  |

|          |                 |
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